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Human Rights Council
Advisory Committee
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Item 2 of the provisional agenda
Adoption of the agenda and organization of work

Provisional agenda and annotations

Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee:
   (a) Integration of a gender perspective;
   (b) Promotion of a democratic and equitable international order;
   (c) Integration of the perspective of persons with disabilities;
   (d) Activities of vulture funds and their impact on human rights;
   (e) Negative effects of terrorism on the enjoyment of human rights;
   (f) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights;
   (g) Contribution of development to the enjoyment of all human rights;
   (h) National policies and human rights;
   (i) Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;
   (j) Role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights;
   (k) Importance of a legally binding instrument on the right to development.
4. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21:
   (a) Review of methods of work;
   (b) Agenda and annual programme of work, including new priorities.
5. Report of the Advisory Committee on its twenty-second session.

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Annotations

1. Election of officers

In accordance with rule 103 of the rules of procedure of the General Assembly, the Advisory Committee will elect, from among its members, a Chair and its Bureau.

2. Adoption of the agenda and organization of work

Adoption of the agenda

The Advisory Committee will have before it the provisional agenda and the present annotations relating to the items included in the provisional agenda (A/HRC/AC/22/1).

Organization of work

Rule 99 of the rules of procedure of the General Assembly provides that each committee "shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item" (see A/520/Rev.17). Accordingly, the Advisory Committee will have before it, for its consideration and approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the twenty-second session.

Composition of the Advisory Committee

In its decision 18/121, the Human Rights Council decided that the cycle of the Advisory Committee would be adjusted to run from 1 October to 30 September. The terms of membership will therefore end on 30 September of each year.

The current composition of the Advisory Committee and the term of membership of each expert are as follows:[1] Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2021); Mohamed Bennani (Morocco, 2020); Lazhari Bouzid (Algeria, 2019); Alessio Bruni (Italy, 2021); Ion Diaconu (Romania, 2020); Karla Hananía de Varela (El Salvador, 2019); Ludovic Hennebel (Belgium, 2020); Mikhail Lebedev (Russian Federation, 2019); José Augusto Lindgren Alves (Brazil, 2021); Xinsheng Liu (China, 2019); Ajai Malhotra (India, 2020); Kaoru Obata (Japan, 2019); Mona Omar (Egypt, 2019); Elizabeth Salmón (Peru, 2020); Dheerujlall Seetulsingh (Mauritius, 2020); Changrok Soh (Republic of Korea, 2020); Cheikh Tidiane Thiam (Senegal, 2021); and Jean Ziegler (Switzerland, 2019).

3. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee

(a) Integration of a gender perspective

In its resolution 6/30, the Human Rights Council requested the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

The Advisory Committee held discussions on the issue at its second, fourth, tenth, eleventh and eighteenth sessions.

(b) Promotion of a democratic and equitable international order

In its resolutions 8/5 and 18/6, the Human Rights Council requested, inter alia, the Advisory Committee to pay due attention, within its respective mandate, to the resolutions and to make contributions towards their implementation. In its resolution 18/6, the Council also decided to establish, for a period of three years, a new special procedure mandate of Independent Expert on the promotion of a democratic and equitable international order. The mandate has

[1] The year in which the term of membership expires is shown in parentheses.

been renewed periodically and lately through Council resolution 36/4. The most recent reports on the mandate is contained in document A/HRC/39/47 and A/73/158.

The Advisory Committee held discussions on the issue at its first, second, fourth and eleventh sessions.

(c) Integration of the perspective of persons with disabilities

In its resolution 7/9, the Human Rights Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council. In its resolution 26/20, the Council decided to establish, for a period of three years, a new special procedure mandate of Special Rapporteur on the rights of persons with disabilities. The mandate has been renewed periodically and lately through Council resolution 35/6. The most recent reports on the mandate are contained in documents A/HRC/37/56 and A/73/161.

The Advisory Committee held discussions on the issue at its first, second, fourth, eleventh, nineteenth and twentieth sessions.

(d) Activities of vulture funds and their impact on human rights

In its resolution 34/3, the Human Rights Council took note with appreciation of the progress report of the Advisory Committee on the activities of vulture funds and the impact on human rights (A/HRC/33/54), and requested the Committee to present a final report thereon to the Council at its thirty-ninth session for its consideration. At its thirty-seventh session, the Council adopted resolution 37/11, requesting the Advisory Committee to complete the report and to submit it to the Council at its forty-first session.

At its nineteenth session, the Advisory Committee held discussions on the issue and established a drafting group for the preparation of the said report. At present, the drafting group comprises Ibrahim Abdulaziz Alsheddi, Mohamed Bennani, Ion Diaconu, Mikhail Lebedev and Jean Ziegler (Rapporteur). A Chair will be appointed at the present session of the Advisory Committee since the incumbent, Mario Coriolano, ended his two terms on 30 September 2018.

At its twenty-first session, the Advisory Committee requested the drafting group to present a draft final report to the Committee at its twenty-second session, taking into account new developments and the relevant input received with a view to submitting the final report at the forty-first session of the Human Rights Council.

The draft final report is contained in A/HRC/AC/22/CRP.1.

(e) Negative effects of terrorism on the enjoyment of human rights

In its resolution 34/8, the Human Rights Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Council at its thirty-ninth session. At its thirty-eighth session, the Council decided to extend that deadline to its forty-second session.

At its nineteenth session, the Advisory Committee held discussions on the issue and established a drafting group for the preparation of the said report. The drafting group currently comprises Lazhari Bouzid, Ion Diaconu, Karla Hananía de Varela, Ludovic Hennebel, Mikhail Lebedev, Xinsheng Liu, Ajai Malhotra, Mona Omar (Rapporteur) and Elizabeth Salmón. A Chair will be appointed at the twenty-second session of the Advisory Committee since the incumbent, Katharina Pabel, ended her two terms on 30 September 2018.

At its twenty-first session, the Advisory Committee decided to address a note verbale to Member States, international and regional organizations, national human rights institutions and non-governmental organizations requesting focused input on the section of the study containing recommendations on the effects of terrorism on economic, social and cultural rights and on procedures for protecting civilians, in particular vulnerable groups, from the effects of terrorism. It also requested the members of the drafting group to submit their written comments on the progress report presented during the twenty-first session before the end of December 2018, taking into account the discussions held at that session and the input received on the aforementioned note verbale. Finally, it requested the drafting group to finalize the study and to submit it at its twenty-second session, with a view to submitting the final study at the forty-second session of the Human Rights Council.

The study is contained in A/HRC/AC/22/CRP.2.

(f) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

In its resolution 31/22, the Human Rights Council requested the Advisory Committee to conduct a comprehensive research-based study on the impact of the flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Council at its thirty-sixth session for its consideration. The Council also requested the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study — taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. The Advisory Committee submitted a progress report on the study at the Council's thirty-sixth session (A/HRC/36/52). The drafting group currently comprises Ibrahim Abdulaziz Alsheddi, Ludovic Hennebel, Mikhail Lebedev, Ajai Malhotra (Chair), Mona Omar, Dheerujlall Seetulsingh (Rapporteur), Changrok Soh and Jean Ziegler.

In its resolution 34/11, the Human Rights Council requested the Advisory Committee to conduct a study, in continuation of the study requested by the Council in its resolution 31/22, on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with a view to supporting the achievement of the Goals of the 2030 Agenda for Sustainable Development, contributing to the enhancement of the promotion of human rights and in accordance with obligations under international human rights law, and to submit the requested study to the Council at its thirty-ninth session. At its thirty-eighth session, the Human Rights Council decided to extend that deadline to its forty-second session.

At its nineteenth session, the Advisory Committee had before it the progress report that was to be submitted at the thirty-sixth session of the Human Rights Council (A/HRC/36/52), pursuant to Council resolution 31/22; continued its discussion on the impact of the flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, pursuant to Council resolution 34/11; and established a drafting group to prepare the report. The drafting group currently comprises Ibrahim Abdulaziz Alsheddi, Ludovic Hennebel, Mikhail Lebedev, Mona Omar, Ajai Malhotra (Chair) Changrok Soh, Dheerujlall Seetulsingh (Rapporteur) and Jean Ziegler.

At its twentieth session, the Advisory Committee requested the drafting group to present a preliminary outline of the study at its twenty-second session, taking into account the replies to the note verbale distributed after the discussion held at the twentieth session, and recommended that the Human Rights Council extend the time scheduled, to allow for better-informed work, and that the Council request the Committee to submit the study at the

Council's forty-second session. At its thirty-eighth session, the Council decided to extend that deadline to its forty-second session.

At its twenty-first session, the Advisory Committee requested the drafting group to recirculate the questionnaire sent after the twentieth session to seek the views of States, as appropriate, relevant international and regional organizations, national human rights institutions and non-governmental organizations and other stakeholders that did not respond to the questionnaire, and to invite them to provide input concerning the names of recognized experts, concrete data, statistics, best practices and major challenges in the utilization of non-repatriated illicit funds with a view to supporting the achievement of the Goals of the 2030 Agenda, in accordance with paragraph 31 of Human Rights Council resolution 34/11. It also requested the drafting group, taking into account the discussions held at the twenty-first session and questionnaire inputs, to submit a final report to the Advisory Committee at its twenty-second session, with a view to submitting the final report at the Council's forty-second session.

The final report is contained in A/HRC/AC/22/CRP.3.

(g) Contribution of development to the enjoyment of all human rights

In its resolution 35/21, the Human Rights Council requested the Advisory Committee to conduct a study on the ways in which development contributes to the enjoyment of all human rights by all, in particular on best experiences and practices, and to submit the report to the Council before its forty-first session.

At its nineteenth session, the Advisory Committee held discussions on the contribution of development to the enjoyment of all human rights, and established a drafting group to prepare the said report. The drafting group currently comprises Mohamed Bennani, Lazhari Bouzid, Mikhail Lebedev (Rapporteur), Xinsheng Liu (Chair), Ajai Malhotra, Dheerujlall Seetulsingh, Changrok Soh and Jean Ziegler.

At its twentieth session, the Advisory Committee took note of the draft report and requested the drafting group to recirculate the questionnaire to seek the views of States, as appropriate, relevant international and regional organizations, national human rights institutions and non-governmental organizations and other stakeholders; and to submit a progress report to the Committee at its twenty-first session with a view to submitting the report at the forty-first session of the Human Rights Council, taking into account the new input received following the discussion at the twentieth session of the Committee.

At its twenty-first session, the Advisory Committee requested the drafting group to submit the study to the Committee at its twenty-second session, with a view to submitting the report at the forty-first session of the Human Rights Council.

The study is contained in A/HRC/AC/22/CRP.4.

(h) National policies and human rights

In its resolution 35/32, the Human Rights Council requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda by integrating human rights into national policies on the basis of the compilation prepared by the United Nations High Commissioner for Human Rights, and to submit the report to the Council at its forty-fifth session for its consideration, on the fifth anniversary of the adoption of the 2030 Agenda.

At its nineteenth session, the Advisory Committee held discussions on the topic and established a drafting group to prepare the said study. The drafting group currently comprises Ion Diaconu (Rapporteur), Karla Hanania de Varela, Ludovic Hennebel, Ajai Malhotra, Kaoru Obata, Mona Omar, Elizabeth Salmón, Dheerujlall Seetulsingh and Changrok Soh (Chair).

At its twentieth session, the Advisory Committee took note of the preliminary outline of the study, and invited the drafting group to continue intersessional discussions and to inform the Committee at its twenty-first session on its activities related to the preparation of the report to be submitted for adoption at the forty-fifth session of the Human Rights Council. It also

requested the drafting group to submit an updated preliminary outline to the Advisory Committee at its twenty-first session.

At its twenty-first session, the Advisory Committee invited the members of the drafting group to continue intersessional discussions and their participation in and contribution to regional consultations on the implementation of the 2030 Agenda and to inform the Committee at its twenty-second session on its activities relating to the preparation of the report to be submitted at the forty-fifth session of the Human Rights Council.

(i) Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

At its seventy-second session in December 2017, the General Assembly adopted resolution 72/157, entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", and requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in that regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps. The Secretary-General, through resolution 72/157, is requested to submit to the General Assembly at its seventy-third session a report on the implementation of that resolution.

At its twenty-first session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said study. The drafting group currently comprises Ion Diaconu, Karla Hananía de Varela, Ludovic Hennebel (Rapporteur), Mikhail Lebedev, Ajai Malhotra, Mona Omar, Elizabeth Salmón and Dheerujlall Seetulsingh (Chair). It decided to request input and further collaboration from the relevant bodies and mechanisms, such as the Working Group of Experts on People of African Descent, the Special Rapporteur on extreme poverty and human rights, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, the relevant treaty bodies, such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the Durban follow-up mechanisms, including the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action. The Advisory Committee also requested the drafting group to submit a preliminary outline of the study at its twenty-second session.

The preliminary outline is contained in A/HRC/AC/22/CRP.5.

(j) Role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights

At its thirty-seventh session, in March 2018, the Human Rights Council adopted resolution 37/23, in which it requested the Advisory Committee to conduct a study on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights, and to submit a report thereon to the Council before its forty-third session.

At its twenty-first session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said study. The drafting group currently comprises Mohamed Bennani, Lazhari Bouzid (Rapporteur), Ion Diaconu, Ludovic Hennebel, Xinsheng Liu (Chair), Ajai Malhotra, Kaoru Obata, Elizabeth Salmón, Dheerujlall Seetulsingh and Changrok Soh.

At its twenty-first session, the Advisory Committee also decided to address a note verbale to Member States and other stakeholders, including international organizations, national human

rights institutions and non-governmental organizations, in which it requested inputs on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights, particularly concrete data, statistics, best practices and major challenges, in order to integrate the information into the study. It also requested the drafting group to present a preliminary outline of the study at its twenty-second session, taking into account the replies received pursuant to the above-mentioned note verbale, and to submit the draft study at its twenty-third session.

The preliminary outline is contained in A/HRC/AC/22/CRP.6.

(k) Importance of a legally binding instrument on the right to development

At its thirty-ninth session in September 2018, the Human Rights Council adopted resolution 39/9, entitled "The right to development", in which it requested the Advisory Committee, while taking into account the views of Member States, to prepare a research-based report on the importance of a legally binding instrument on the right to development, to present an oral update on the preparation of the report to the Council at its forty-second session, and to present the report to the Council at its forty-fifth session. A drafting group will be established in February 2019 at the twenty-second session of the Advisory Committee.

4. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 and of section III of the annex to Council resolution 16/21

(a) Review of methods of work

According to paragraph 77 of the annex to Human Rights Council resolution 5/1, the Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency.

In paragraphs 35 to 39 of section III of the annex to its resolution 16/21, the Human Rights Council made reference to the Advisory Committee. In paragraph 39 of the same resolution, the Council stipulated that the Advisory Committee should endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

At its twenty-second session, the Advisory Committee may therefore address issues related to its methods of work.

(b) Agenda and annual programme of work, including new priorities

In paragraph 35 of the annex to Human Rights Council resolution 16/21, the Council stipulated that it should, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats, such as seminars, panels and working groups, and by sending feedback to the inputs of the Committee.

At its fourteenth session, the Advisory Committee decided to produce reflection papers for its own use at each of its sessions, which could be published on the website of the Office of the United Nations High Commissioner for Human Rights as part of the Committee's "Reflection Paper series".

At its twenty-first session, the Advisory Committee held a discussion on the following reflection papers and research proposals:

(a) Access to justice (Mario Luis Coriolano);

(b) Digital transformation: the impact of new technologies on human rights (Changrok Soh);

(c) Economic, social and cultural rights in the agenda of international jurisdictions (Ion Diaconu);

(d) Mainstreaming gender equality and ensuring gender parity in the Advisory Committee (Elizabeth Salmón).

Following the discussions at the twenty-first session, the research proposal entitled "Economic, social and cultural rights on the agenda of international jurisdictions" was submitted to the Human Rights Council; and the reflection paper on mainstreaming gender equality and ensuring gender parity in the Advisory Committee was included as an annex to the report of the session (A/HRC/AC/21/2), suggesting that the Council take into account the principles mentioned in the reflection paper when appointing a new member of the Committee.

At its twenty-second session, the Advisory Committee will consider the above-mentioned proposals. The Advisory Committee may also continue its discussions under item 3, including on new priorities.

5. Report of the Advisory Committee on its twenty-second session

The Advisory Committee will have before it for adoption a draft report on its twenty-second session, prepared by the Rapporteur.

Pursuant to paragraph 38 of the annex to Human Rights Council resolution 16/21, the annual report of the Advisory Committee will be submitted at the September session of the Council and be the subject of an interactive dialogue with the Committee's Chair. The reports of the Advisory Committee on its twenty-second and twenty-third sessions will be considered at the forty-second session of the Council.